

SENATE BILL 3096
By Tracy

AN ACT to enact the "Centralized Methamphetamine
Treatment Facility Act of 2006".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, is amended by adding the following language as a new chapter:

§40-37-101.

This chapter shall be known and may be cited as the "Tennessee Centralized Methamphetamine Treatment Facility Act of 2006".

§40-37-102.

(a) The general assembly recognizes that a critical need exists in this state for criminal justice system programs to reduce the incidence of methamphetamine drug use, addiction, and crimes committed as a result of methamphetamine drug use and addiction. It is the intent of the general assembly by this chapter to create a program to facilitate the implementation of a centralized treatment program in lieu of incarceration for certain offenders.

(b) The goals of the centralized methamphetamine treatment program created under this chapter include the following:

(1) Reduce the use of jail and prison beds and other correctional services by nonviolent methamphetamine offenders by diverting them into a rehabilitative program;

(2) Reduce incidences of methamphetamine drug use and drug addiction among offenders;

(3) Reduce crimes committed as a result of methamphetamine drug use and addiction;

(4) Promote public safety through these reductions;

(5) Increase the personal, familial, and societal accountability of methamphetamine offenders;

(6) Facilitate a multi-faceted approach to breaking methamphetamine dependence including medical, psychological, physiological, and other behavioral science treatments in an intensive program; and

(7) Promote effective interaction and the use of resources among the criminal justice system in its treatment of methamphetamine offenders.

§40-37-103.

For purposes of this chapter, unless the context otherwise requires:

(1) "Centralized methamphetamine treatment program" means the intensive, ninety-day, inpatient program for methamphetamine users created within the state that follows the general principles referenced in §40-37-102;

(2) "Commissioner" means the commissioner of correction; and

(3) "Methamphetamine offender" means a person who:

(A) Is charged with or convicted of an offense involving the manufacture, delivery, sale or possession of a controlled substance containing methamphetamine; and

(B) Does not have one (1) or more prior convictions for an offense involving the manufacture, delivery, sale or possession of a controlled substance containing methamphetamine.

§40-37-104.

The department of correction shall administer the centralized methamphetamine treatment program by:

- (1) Defining, developing, and gathering outcome measures for methamphetamine treatment programs as they relate to §40-37-102;
- (2) Collecting, reporting, and disseminating methamphetamine treatment data;
- (3) Sponsoring and coordinating state methamphetamine treatment training;
- (4) Administering and evaluating the effectiveness of the state methamphetamine court treatment program to reduce recidivism; and
- (5) Providing a centralized, inpatient treatment facility to provide the centralized methamphetamine treatment program created by this chapter.

§40-37-105.

The commissioner of correction shall establish an advisory committee composed of five (5) members. The committee shall review all program criteria established by the commissioner of correction and shall advise the commissioner on the establishment of the program under this chapter. Before appointing the members, the commissioner shall consult with the commissioner of health, the commissioner of mental health and developmental disabilities, the president of the Tennessee Association of Alcohol and Drug Abuse Services, and the Tennessee Association of Mental Health Organizations. After the commissioner establishes staggered terms with the initial appointments, a member shall have a four-year term, and a member may be appointed to serve one (1) additional consecutive term. Each member shall be reimbursed for travel expenses for attending a meeting of the advisory committee in accordance with the provisions of the

comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

§40-37-106.

(a) A methamphetamine offender who, without this option, would be incarcerated in a correctional institution shall be considered eligible for punishment in the centralized methamphetamine treatment program under the provisions of this chapter.

(b)

(1) Notwithstanding any other provision of the law to the contrary, the court is authorized to sentence an eligible defendant as defined in this section to the centralized methamphetamine treatment program as an alternative to incarceration in accordance with the terms of this chapter, and under such additional terms and conditions as the court may prescribe, in lieu of incarceration in a state penal institution or local jail or workhouse.

(2) In sentencing an eligible defendant to the centralized methamphetamine treatment program as an alternative to incarceration, the court shall possess the power to set the duration of the sentence for the offense committed at any period of time up to the maximum sentence within the appropriate sentence range, and shall retain the authority to alter or amend at any time the length, terms or conditions of the sentence imposed.

(3)

(A) The court also has the power to terminate an offender from the program and to place the offender on supervised or unsupervised probation upon a showing that the offender did abide by the conditions imposed on the original sentence and that the offender's placement on probation presents no substantial risk to public safety. This authority of

the court extends to offenders not originally eligible for probation after service of at least one (1) year.

(B) Failure to comply with the terms of probation subjects the offender to revocation proceedings conducted by the court pursuant to §40-35-311. If incarcerated, the offender receives credit only for actual time served in the community-based alternative program.

(4) The court shall also possess the power to revoke the sentence imposed at any time due to the conduct of the defendant or the termination or modification of the program to which the defendant has been sentenced, and the court may resentence the defendant to any appropriate sentencing alternative, including incarceration, for any period of time up to the maximum sentence provided for the offense committed, less any time actually served in any community-based alternative to incarceration. Such resentencing shall be conducted in compliance with §40-35-210.

(5) The district attorney general, victim, defense attorney and probation and parole officer should be consulted regarding potential referrals to the program; however, the court shall have the final decision.

(c) Nothing in this section shall prevent a court from permitting an eligible defendant to participate in the centralized methamphetamine treatment program or a community-based alternative to incarceration as a condition of probation in conjunction with a suspended sentence, split confinement or periodic confinement as provided in chapter 35 of this title.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.